

ASSEMBLY BILL

No. 2101

Introduced by Assembly Member Levine

February 20, 2014

An act to amend Section 8262.1 of, and to add Sections 8227.4 and 8227.5 to, the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as introduced, Levine. Child care: alternative payment programs and contractors: electronic records.

The Child Care and Development Services Act, administered by the State Department of Education, provides that children from infancy to 13 years of age are eligible, with certain requirements, for child care and development services. The act requires the department to contract with local contracting agencies to provide for alternative payment programs, and authorizes alternative payment programs for services provided in licensed centers and family day care homes and for other types of programs that conform to applicable law. Existing law authorizes alternative payment programs and providers and other contractors providing child care development services to maintain records in electronic format if the original documents were created in electronic format, including, but not limited to, child immunization records.

This bill would authorize contractors to maintain records electronically regardless of whether the original documents were created in electronic format and would expand the type of records that can be maintained electronically to include, among other things, attendance sheets. The bill would authorize alternative payment programs and providers to retain a case record using either electronic or other alternative storage

technologies, as provided. The bill would authorize alternative payment programs and providers to use an electronic signature, as provided.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8227.4 is added to the Education Code,
2 to read:

3 8227.4. Notwithstanding any other law, including Section
4 8227.3, alternative payment programs and providers may retain a
5 case record using either electronic or other alternative storage
6 technologies. Permissible alternative storage technologies shall
7 include, but are not limited to, photography, microphotography,
8 electronically recorded video images on magnetic surfaces,
9 electronic data processing systems, optical disk storage, or any
10 other electronic medium that is a trusted system and that does not
11 permit additions, deletions, or changes to the original document
12 and meets all necessary state and federal laws for recording of
13 permanent or nonpermanent records. A duplicate copy of any
14 record reproduced shall be deemed to be an original.

15 SEC. 2. Section 8227.5 is added to the Education Code, to
16 read:

17 8227.5. Alternative payment programs and providers operating
18 or providing services pursuant to this article may use an electronic
19 signature that may be a marking that is either computer generated
20 or produced by electronic means and is intended by the signatory
21 to have the same effect as a handwritten signature. An e-mail
22 signature may constitute an electronic signature.

23 SEC. 3. Section 8262.1 of the Education Code is amended to
24 read:

25 8262.1. (a) Contractors operating or providing services
26 pursuant to this chapter may maintain records ~~in electronic format~~
27 ~~only if the original documents were created in electronic format~~
28 *electronically*. Records that may be created in electronic format
29 and maintained electronically include, but are not limited to, the
30 following:

- 31 (1) Child immunization records.
32 (2) Parental job verification records.
33 (3) Parent income verification.

1 (4) Parent school or training verifications and attendance
2 records.

3 (5) *Attendance sheets.*

4 (6) *Family eligibility and need files.*

5 (7) *Notices of actions.*

6 (8) *Family fee records.*

7 (9) *Provider invoices.*

8 (b) Pursuant to Section 33421, the ~~original~~ records shall be
9 retained by each contractor for at least five years, or, where an
10 audit has been requested by a state agency, until the date the audit
11 is resolved, whichever is longer.

12 (c) ~~Nothing in this~~ *This section requires does not require* a
13 contractor to create records electronically.